



Attorney's Docket No. 033462-001

#35
7/20/04
J. M.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Tony Pervan

Application No.: 09/343,696

Filed: June 13, 2000

For: SYSTEM FOR JOINING BUILDING
BOARDS

Group Art Unit: 3635

Examiner: Y. Horton

Confirmation No.: 8240

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, the accompanying information is being submitted in accordance with 37 C.F.R. §§ 1.97 and 1.98.

Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed.

DE 41 30 115 discloses facing panels for exterior applications made of aluminum sheet with polyurethane or polystyrene foam insulation. Adjacent panels are held together by pretension at surfaces 10 and 11. Thus, because of the pretension between the aluminum surfaces, mutual displacement along the joint planes would be extremely difficult, perhaps even impossible. The plate 24 is described as an attachment strip 24 that includes a reinforcement rib 27. Since surfaces 10 and 11 are held together with a pretension, the reinforcement rib 27 is not intended to engage the shoulder (unmarked) at surface 26 to hold the panels together in a direction parallel to the main plane of the panels. The reinforcement rib 27 is intended to reinforce the plate 24. The plate 24 is intended to add stability to the joint, particularly in the direction perpendicular to the main plane of the panels. In addition, element 10 cannot be considered a locking groove as claimed because it is not open at the rear side of the panels.

The Examiner's attention is also directed to the fact litigation concerning U.S. Patent No. 5,706,621 and related patents U.S. Patent No. 5,860,267 and U.S. Patent No. 6,023,907, initially reported as pending in a Washington, D.C. District Court, is currently pending under docket no. 03-CV-342 in the E.D. of Wisconsin.

Also, a law suit was filed and subsequently settled in Delaware District Court, docket no. 01-667. The case concerned U.S. Patent No. 6,023,907.

Except for the previously reported I.T.C. litigation, no documents have been filed in the reported litigations that concern the scope or validity of U.S. Patent No. 5,706,621. The decision concluding the I.T.C. litigation has been provided to the Examiner.

The documents are being submitted after a first Office Action on the merits but prior to the closing of prosecution, therefore under 37 C.F.R. § 1.97(c), the fee set forth in 37 C.F.R. § 1.17(p) is enclosed.

A fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) is enclosed.

The filing of this Information Disclosure Statement shall not be construed as a representation that a prior art search has been made.

In addition, the filing of this Information Disclosure Statement shall not be construed to be an admission that each of the references submitted herewith is in fact prior art with respect to the present application, or that each of the references is considered to be material to patentability as defined in § 1.56(b).

To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date July 2, 2004

By:



William C. Rowland
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

Application Number	09/343,696
Filing Date	June 13, 2000
First Named Inventor	Tony Pervan
Examiner Name	Y. Horton
Attorney Docket Number	033462-001

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U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

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Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, not otherwise.

EXAMINER:	Considered
*Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance <u>and</u> not considered. Include copy of this form with next communication to Applicant.	